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Reading Materials for

HARD CHOICES IN INTERNATIONAL POLITICS

VOLUME 1
(Background Readings)

George Stephanopoulos

&

Craig Scott

February 1999

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Introductory Note: These materials are designed to be used for courses of different lengths. **For students doing an intensive course, the readings are marked below with asterisks (*).** There are three volumes. The table of contents in each volume will indicate the contents of all three volumes.

Newspaper acronyms: GM = Globe and Mail (Toronto); NYT = New York Times; GW = Guardian Weekly; NP = National Post; TS = Toronto Star

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Normativity in International (Security) Relations

Arend, "Do Legal Rules Matter?" (1998) 38 Virg. JIL 107 1

Ruggie, "The False Promise of Realism" in Brown *et al.*, eds. *Theories of War and Peace*: *An* International Security *Reader* (MIT Press, 1998) 407 25

Wendt, "Constructing International Politics" in *Theories of War and Peace, supra.* at 416 30

Mearsheimer, "A Realist Reply" in *Theories of War and Peace, supra.* at 427 35

* Krause, "Constructing International Order: Multilateralism, the United Nations System, and International Security" [preliminary draft manuscript; summer 1998] 40

Koskenniemi, "The Police in the Temple – Order, Justice and the UN: A Dialectical View" (1995) 6 EJIL 325 67

Hampson and Oliver, "Pulpit diplomacy: A critical assessment of the Axworthy doctrine" (1998) 53 International Journal 379 80

Coll, "Prudence and Foreign Policy" in Cromartie, ed., *Might and Right After the Cold War: Can Foreign Policy Be Moral?* (Ethics and Public Policy Center, 1993) 3 95

* Lefever, "Morality versus Moralism in Foreign Policy" in Lefever et al., eds., *Ethics and World Politics: Four Perspectives* (Johns Hopkins, 1972) 1 109

Schlesinger, "National Interests and Moral Absolutes" in *Ethics and World Politics, supra.* at 21 119

* McMahan, "Realism, Morality, and War" in Nardin, ed., *The Ethics of War and Peace: Religious and Secular Perspectives* (Princeton, 1996) 78 131

Humanitarian Intervention

* Haass, "The Historical Debate" *in Intervention: The Use of American Military Force in the Post-Cold War World* (Carnegie Endowment, 1994) 9 138

* Murphy, "Law, Morality, and Political Theory" in *Humanitarian Intervention: The United Nations in an Evolving World Order* (U. Penn, 1996) 20 141

* Brownlie, "Thoughts on Kind-Hearted Gunmen" in Lillich, ed., *Humanitarian Intervention and the United Nations* (Univ. Press of Virginia, 1973) 139 147

Akehurst, "Humanitarian Intervention" in Bull, ed., *Intervention in World Politics* (OUP 1984) 95 149

Carty, "Intervention and the Limits of International Law" in Forbes and Hoffman, eds., *Political Theory, International Relations, and the Ethics of Intervention* (St. Martin's Press, 1993) 32 155

* Walzer, "The Moral Standing of States: A Response to Four Critics" in Beitz *et al*, eds, *International Ethics* (Princeton, 1985) 217 160

Cox News, "Somalia fast becoming a quagmire for US forces", GM, Feb. 93 164

* Luban, "The Romance of the Nation-State" in Beitz *et al*, eds, *International Ethics* (Princeton, 1985) 392 165

* Teson, "A Moral Framework for Humanitarian Intervention" in *Humanitarian Intervention: An Inquiry Into Law and Morality* (Transnational Publ., 1988) 111 168

* Farer, "An Inquiry into the Legitimacy of Humanitarian Intervention" in Damrosch and Scheffer, eds., *Law and Force in the New International Order* (Westview, 1991) 185 175

Falk, "The Complexities of Humanitarian Intervention: A New World Order Challenge" (1996) Michigan JIL 491 183

Vertzberger, *Risk Taking and Decisionmaking: Foreign Military Intervention Decisions* (Stanford, 1998) 61 ff. 195

* Powell, "U.S. Forces: Challenges Ahead" in Haass, *Intervention, supra*. at 191 221

Albert, "Impossible limits of justice? Humanitarian intervention and infinite responsibility" in Wright, ed., *Morality and International Relations* (Avebury, 1996) 131 225

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Overview of Post-Ceasefire Issues

* Gray, "After the Ceasefire: Iraq, the Security Council, and the Use of Force" (1994) 65 British YrBk. IL 135 27

Protecting the Kurds

Stromseth, "Iraq's Repression of Its Civilian Population: Collective Responses and Continuing Challenges" in Damrosch, ed., *Enforcing Restraint: Collective Intervention in Internal Conflicts* (Council on Foreign Relations, 1993) 77 42

* Fraser, "US launches second attack on Iraq", GM, Sept 4/96, A1 54

Fagan, "US isolation weakens its hand", GM, Sept. 4/96, A1 55

* Sallot, "'Sometimes we have to act alone,' US says", GM, Sept. 4/96, A9 56

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Hoskins, "The Humanitarian Impacts of Economic Sanctions and War in Iraq" in Weiss *et al.*, eds, *Political Gain, Civilian Pain: Humanitarian Impacts of Economic Sanctions* (Rowman & Littlefield, 1997) 91 64

* Simons, "The Sanctions System" *in The Scourging of Iraq: Sanctions, Law and Natural Justice* (St. Martin's Press, 1998) 2nd ed. 78

* Center for Economic and Social Rights, "Executive Summary" in *(UN)Sanctioned Suffering: A Human Rights Assessment of United Nations Sanctions on Iraq* 1-3 (May 1996) 84

* Sklaire, "The Security Council Blockade of Iraq: Conflicting Obligations Under the United Nations Charter and the Fourth Geneva Convention" (1991) 6 Am. UJIL & Policy 608 86

* Gardham, "Proportionality and Force in International Law" (1993) 87 AJIL 391 at 404 89

* Kochler, *The United Nations Sanctions Policy and International Law* (Just World Trust, 1995) 92

* Damrosch, "The Civilian Impact of Economic Sanctions" in Damrosch, ed., *Enforcing Restraint*, supra. at 274 95

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* Reisman and Baker, *Regulating Covert Action: Practices, Contexts and Policies of Covert Coercion Abroad in International and National Law* (Yale U Press, 1992) 57-61, 69-71, 140-143 108

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* Security Council Consideration, "Iraq-United States" [US attack in response to alleged attempted assassination of former President Bush] 113

* Kritsiotis, "The Legality of the 1993 US Missile Strike on Iraq and the Right of Self-Defence in International Law" (1996) 45 ICLQ 162 114

* "Reprisals" in Fleck et al., *The Handbook of Humanitarian Law in Armed Conflicts* (OUP, 1995) 204-207 122

Kalshoven, *Belligerent Reprisals* (Sijthoff, 1971) 375-378 124

Greenwood, "The Twilight of the Law of Belligerent Reprisals"

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* Quigley, "Missiles with a Message: The Legality of the United States Raid on Iraq's Intelligence Headquarters" (1994) 17 Hastings Int'l and Comp L R 241 at 267 134

* Surchin, "Terror and the Law: The Unilateral Use of Force and the June 1993 Bombing of Baghdad" (1995) 5 Duke Jl Comp & Int Law 457 at 486 137

* O'Brien, "Reprisals, Deterrence, and Self-Defense in Counterterror Operations" (1990) 30 Virg JIL 459 143

The Debates Over the Ongoing Enforceability of SC Resolutions 678 and 687

* Wedgwood, "The Enforcement of Security Council Resolution 687: The Threat of Force Against Iraq's Weapons of Mass Destruction" (1998) 92 AJIL 724 149

* Security Council Debates, "Iraq and Israel" [Israeli bombing of Iraqi nuclear reactor in 1981], SC Res. 487 (1981), and GA Res.36/27 152

Rogers, *Law on the battlefield* (Manchester U Press, 1996) 2-7 161

"Methods and Means of Combat" in Fleck et al., *The Handbook of Humanitarian Law in Armed Conflicts* (OUP, 1995) 164 ff 164

* McCoubrey and White, "The Law of Bombardment" *in International Law and Armed Conflict* (Dartmouth, 1992) 230-234 169

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* Murphy, "Bosnia-Herzegovina (1992)" in Murphy, *Humanitarian Intervention, supra* at 198 247

Hulisman, "Key Diplomatic Events Early in the Bosnian Crisis" and "The Culmination of the Bosnian Crisis" in *A Paradigm for the New World Order: A Schools-of-Thought Analysis of American Foreign Policy in the Post-Cold War Era* (St. Martin's, 1997) 257

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Hulisman, *A Paradigm for the New World Order, supra* at 2-3, 8-12, 15, 18-19, 21, 38, 58, 93-97, 105-109, 113, 120-134 259

* Gow, *Triumph of the Lack of Will: International Diplomacy and the Yugoslav War* (Columbia, 1997) 36-37, 323-329, 159-166, 175-183, 192-201, 212-222 277

Legal Issues: NATO's Authority to Intervene and the Arms Embargo

* White, "The legitimacy of NATO action in Bosnia" (1994) 144 New Law Jl 649 301

* Damrosch, "The Civilian Impact of Economic Sanctions" in Damrosch, ed., *Enforcing Restraint*, supra. at 274 303

Scott *et al*,. "A Memorial for Bosnia: …" (1994) 16 Michigan JIL 1 307

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Ulbrich, "Details of Kosovo peace pact priority for mediators at talks" GM Feb. 9/99 A16 345

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* Coulon, [on Somalia] in *Soldiers of Diplomacy: The United Nations, Peacekeeping and the New World Order* (U of Toronto Press, 1998) 78-87, 180-187 7

* Coulon, [on French aspirations] in *Soldiers of Diplomacy: The United Nations, Peacekeeping and the New World Order* (U of Toronto Press, 1998) 154-164, 169-171, 187-189 15

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* Murphy, "Rwanda (1994)" in Murphy, *Humanitarian Intervention, supra* 23

Boutros-Ghali, "Introduction" in United Nations, *The United Nations and Rwanda, 1993-1996* (DPI/UN, 1996) 1 30

* Barrett, "The UN Security Council, Indifference and Genocide in Rwanda" 12 Cultural Anthropology 551 40

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* Straus, "UN ignored my pleas: Dallaire" GM Feb 26/98 53

* "Annan blames ennui for deaths in Rwanda" GM March 18/98 54

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* Weiner, "Critics Say US ignored CIA Warnings of Genocide in Rwanda"
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* "UN alerted three nations to genocide" GM April 13, 1998 A8 57

* Gourevitch, "The Genocide Fax" The New Yorker (May 11, 1998) p 42 58

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* Knox, "Boutros-Ghali admits Rwanda errors" GM Sept. 10/98 A18 63

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* Raitberger, "French role defended in probe of Rwanda" GM April 22/98 65

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* Franck, "Intervention Against Illegitimate Regimes" in Damrosch and
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* Reisman, "Sovereignty and Human Rights in Contemporary International Law" (1990) 84 AJIL 866 86

Scott, "Grenada, Nicaragua and Panama: Tracking Force-for-Democracy Discourse in the 1980s" in CCIL, ed, *Selected Papers in International Law* (Kluwer, 1998) 93

* Carothers, "Empirical Perspectives on the Emerging Norm of Democracy in International Law" (1992) 86 Proceedings ASIL 261 103

Carothers, "ASIL and Carnegie Present Program on Haiti" (June-Aug. 1994) ASIL Newsletter 16 104

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Acevedo, "The Haitian and the OAS Response: A Test of Effectiveness in Protecting Democracy" in Damrosch, ed, *Enforcing Restraint, supra* at 119 105

Dupuy, "Chronology" in *Haiti in the New World Order* (Westview Press, 1997) 175 108

* Murphy, "Haiti (1993-94)" in Murphy, *Humanitarian Intervention, supra at 260* 113

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* Preeg, "Introduction: The Haitian Challenge" in Fauriol, ed., *The Haitian Challenge: U.S. Policy Considerations* (CSIS, 1993) 1

* Dupuy, *Haiti in the New World Order* (Westview Press, 1997) 175 126

* "President on Haiti: US Interests At Stake" NYT Oct. 16/93 p 4 129

International Politics as Domestic Politics

Merida, "Hill's Black Caucus Faults US Policy on Haiti, Presses for Aristide's Return" Wash Post March 24/94 A7 130

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* Williams, "Aristide Beats Clinton to Moral High Ground" Wash. Post May 6/94 A11 132

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* Jehl, "Clinton Seeks UN Approval of Any Plan to Invade Haiti" NYT July 22/94 135

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* Reisman, "Haiti and the Validity of International Action" (1995) 89 AJIL 82 137

* Glennon, "Sovereignty and Community After Haiti: Rethinking the Collective Use of Force" (1995) 89 AJIL 70 138

* Weller, "Democracy through fire and sword?" (Oct. 7, 1994) New Law Jl 1385 141

* Falk, "The Haiti Intervention: A Dangerous World Order Precedent for the United Nations" (1995) 36 Harvard ILJ 341 143

"Haitians Debate the Occupation" (1994) 28 NACLA Report on the Americas 2 153

The Refugee Interdiction Question

* Human Rights Watch et al, "No Port in a Storm" in Ridgeway, ed., *The Haiti Files: Decoding the Crisis* (Essential Books, 1994) 191 154

Ratner/Center for Constitutional Rights, "Guantanamo Bay: When Will the Suffering End?"in Ridgeway, ed., *The Haiti Files: Decoding the Crisis* (Essential Books, 1994) 199 158

Canham-Clyne, "Selling Out Democracy" in Ridgeway, ed., *The Haiti Files: Decoding the Crisis* (Essential Books, 1994) 108 160

Lawyers Committee for Human Rights, *Refugee Refoulement: The Forced Return of Haitians Under the US-Haitian Interdiction* Agreement (March 1990) 164

* *Sale v. Haitian Centers Council*, 113 S.Ct. 2549 (1993) 174

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* Koh, "The `Haiti Paradigm' in United States Human Rights Policy" (1994) 103 Yale Law Jl 2391 at 2409 189